



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 28, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0125

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy, and Department Policy	Sustained
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Sustained

Imposed Discipline

Forwarded to CSCC for Discipline

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1)—his ex-wife and a public safety dispatcher—assaulted him on multiple occasions and threatened to kill him. It was alleged NE#1's conduct violated laws and policies. It was also alleged that NE#1's conduct violated the Department's professionalism policy.

ADMINISTRATIVE NOTE:

This DCM was submitted well beyond the 180-day deadline, September 15, 2020, mandated by the Accountability Ordinance. See SMC 3.29.130(B).

OPA learned about the allegations on February 24, 2020, from a complaint sent via Blue Team. The Complainant's supervisor submitted it on his behalf. On February 27, 2020, OPA referred the matter to the Local Police Department (PD #1) for criminal investigation. On March 19, 2020, PD #1 returned the criminal referral to OPA without charges. OPA opened an intake. The case was classified on April 24, 2020. However, OPA's investigation was delayed by several issues, including heavy caseloads related to the 2020 protests, reassignment of the investigation from the initial OPA investigator, OPA leadership transition, and jurisdictional uncertainty from SPD dispatchers'—like NE#1—transition to the Community Safety and Communications Center (CSCC). Moreover, the Complainant gave OPA a surreptitiously recorded phone call between himself and NE#1. OPA spent considerable time consulting legal counsel about the legality of considering that evidence.



SUMMARY OF INVESTIGATION:

The Complainant—an SPD supervisor—made domestic violence allegations against NE#1—his ex-wife and a public safety dispatcher.¹ The Complainant referenced an incident of abuse occurring from late November 31st into early December 1, 2015. The Complainant reported that incident on February 12, 2020.

During its investigation, OPA reviewed the OPA complaint, criminal referral, PD #1 reports, the Complainant's PD #1 written statement, the Complainant's audio recordings and photographs, and the Complainant's written OPA statement. OPA also interviewed the Complainant.

OPA emailed NE#1 several times to schedule an interview. On May 11, 2022, NE#1 emailed OPA, saying, "I have nothing further to add to this matter."

a. OPA Complaint

On February 24, 2020, the Complainant's acting lieutenant submitted an OPA complaint via Blue Team. It indicated that on February 12, 2020, the Complainant reported he was "physically and emotionally abused by his estranged wife, [NE#1]." It also noted that the Complainant said assaults occurred "approximately one year prior" at the Complainant's and NE#1's shared home. The complaint said the Complainant described the assaults as punches, bites, and threats. It also stated the Complainant reported NE#1 threatened to stab him. The complaint noted that the Complainant made an PD #1 report on February 13, 2020, and provided its case number.

b. Local Police Department Reports

PD #1 confirmed that the Complainant made a report on February 13, 2020. PD #1 concluded the "alleged assault occurred well outside the statute of limitations," so "[n]o additional [criminal] investigation was conducted." It also noted that the Complainant provided a written statement.

PD #1 sent OPA the related reports. Those reports documented that a PD #1 officer responded on February 13, 2020, to investigate a "cold assault report." The PD #1 officer noted the Complainant reported "assaults that occurred [*sic*] 3 to 4 years ago by his wife, [NE#1]." The PD #1 officer also noted the Complainant said he knew about the statute of limitations but wanted to report it because "he [was] afraid of what [NE#1] [would] due [*sic*] during their impending divorce." The PD #1 officer gave the Complainant a statement form to document his account.

The PD #1 officer received the Complainant's eight-page written statement five days later. In his statement, the Complainant wrote he was in the process of divorcing NE#1. The Complainant noted he wanted to "document [NE#1's]

¹ Dispatchers take 9-1-1 calls and route appropriate city resources. Dispatchers were previously SPD employees. In May 2021, the Seattle City Council voted to move 9-1-1 dispatch from SPD to a newly created agency, Community Safety and Communications Center (CSCC). Dispatchers became CSCC employees on June 1, 2021. See About Us, available at <https://www.seattle.gov/911-center>; CSCC, available at <https://www.seattle.gov/police/about-us/about-policing/cscs>. NE#1 was hired by SPD as a police communications dispatcher in 2003. NE#1 became a CSCC employee when dispatchers were transferred to that agency. NE#1 is still employed at CSCC.



pattern of abuse.” The Complainant described reluctance and embarrassment about reporting it due to his law enforcement status.

The Complainant wrote he and NE#1 were married for six years but lived separately. The Complainant indicated NE#1 was physically, emotionally, and spiritually abusive for most of the relationship. The Complainant estimated fifteen to twenty instances of physical abuse, including pushing, blocking, hitting, punching, slapping, and spitting. The Complainant wrote he sustained multiple injuries, including “fat lips” and “black eyes.” The Complainant wrote he never called the police and only documented one incident.

The Complainant said he documented a late November 30th into early December 1st, 2015 incident where NE#1 hit the Complainant four times: once on each jaw, once on his nose, and once on his right eye, causing a black and swollen eye. The Complainant reported hearing a “pop” when NE#1 hit his nose. The Complainant said he photographed his injuries, saved them on a work computer, and memorialized what happened. The Complainant also wrote he “recorded a phone conversation while [NE#1] was driving to work where she admitted to hitting [the Complainant].”

The Complainant also described NE#1’s emotional abuse. The Complainant wrote that NE#1 repeatedly threatened to “leave” and “ruin” the Complainant, separate him from their kids, and “lie to protect her ‘family.’” The Complainant wrote that NE#1 threatened to “stab [the Complainant] in the heart” if he ever got between her and her kids.

The Complainant also suspected NE#1 tracked his cell phone. The Complainant said NE#1 used her SPD work computer to monitor and control him by accessing his timesheets and login information.

The Complainant alleged NE#1 falsely told friends and family he was adulterous. The Complainant wrote that NE#1 told an acquaintance he impregnated a co-worker. The Complainant alleged that he was “called into [his] supervisor’s office twice” to address it, even though it was untrue.

The Complainant indicated NE#1 had a “mental break,” resulting in admittance into a “mental ward of a hospital.”

c. OPA Interview – Complainant

OPA interviewed the Complainant on September 3, 2020. The Complainant said he worked at SPD for about nineteen years. He said he and NE#1 had two kids in common. The Complainant also said he and NE#1 were separated.

The Complainant reported the allegations against NE#1 to his direct supervisor and PD #1. The Complainant said he reported NE#1’s abuse, despite it being outside the statute of limitations, to “document it in case something did happen. . . . Because of the past threats that [NE#1] made and carried out, and then threats that she had made that I believe she would carry out in the future.” The Complainant alleged NE#1 threatened to stab him, take his kids, and impact his finances.

The Complainant described an argument from late November 30th into early December 1, 2015 that escalated into an assault. He said their arguments “tended to last hours.” The Complainant said, “At some point... she did the physical part.” The Complainant said the incident ended because NE#1 had to work in the morning. The Complainant confirmed later that day he secretly recorded their phone conversation where NE#1 admitted assaulting him. The Complainant summarized the recordings (discussed below), noting that NE#1 admitted giving the Complainant a black eye for the



third or fourth time. He also described them discussing “making something up” to “explain why I was going to work with a black eye.” The Complainant said at an SPD precinct, he uploaded the recorded statements, took pictures, and memorialized the incident in a Microsoft Word document. The Complainant agreed to provide those items to OPA.

d. Documents provided to OPA by Complainant

NE#1 provided OPA with a two-page Word document, eight photographs, and three audio recordings. The electronic evidence indicated it was last modified on December 1, 2015.

In the Word document, the Complainant typed he and NE#1 were in “another fight,” involving NE#1 repeatedly hitting and spitting on him. The Complainant indicated NE#1 hit him “four times, one on each jaw, once on my right eye, and once in the nose.” The Complainant wrote he had a “black and swollen eye.” The Complainant described hearing a pop and feeling a “great deal of pain” when NE#1 hit his nose. The Complainant wrote during that incident, NE#1 called him a “fucking idiot,” an “asshole,” and a “fucking moron piece of shit.”

The photographs showed the Complainant had bruising and swelling under his right eye.

OPA also reviewed the audio recordings: Audio #1, Audio #2, and Audio #3.

Audio #1 was about thirty-two minutes. In that conversation, NE#1 asked the Complainant whether he iced his eye. She then said, “This is what? The third black eye I’ve given you?...The third, at least.” The Complainant and NE#1 discussed whether his eye or nose was injured. NE#1 said, “No, it wasn’t, cuz you got hit in the jaw.” The Complainant responded, “You hit me twice in the jaw, once in my eye, and once in my nose.” NE#1 asked, “You think [Complainant] I like hitting you?”

Audio #2 was about a minute and contained no apparent evidentiary value.

Audio #3 was about eighteen minutes. In it, NE#1 said, “I’m not anybody new. I’m just fucking beating your ass up.” NE#1 also said, “How are you getting better? Just because you’re not becoming snarky back, ‘cause I’ll beat the shit out of you? That’s the only reason why, ‘cause you’re fucking scared of me.” NE#1 said, “Now I have...I hit my husband. I hit you, [Complainant].” Audio #3 also recorded the Complainant and NE#1 discussing how the Complainant would explain his black eye at work. The Complainant and NE#1 agreed the Complainant would tell others he fell and struck his face while getting Christmas items down from the attic.

e. Email to OPA – Named Employee #1

OPA attempted to interview NE#1. On May 11, 2022, NE#1 responded, stating:

I do not feel comfortable participating in any interviews regarding this matter that surfaced ONLY after I was a key witness against [Complainant] for what I strongly believed was criminal in nature for a law enforcement official who stands in authority and should be protecting and guarding the lives of the public, especially the vulnerable (children). As you know, I had to speak to detectives and the OPA regarding allegations from a concerned citizen in 2019. In addition, [Complainant] was served with divorce papers in February 2019, which began an



ongoing litigation. [Complainant] received notification on 2/12/2020 that I was forced to be a key witness and that he had to be interviewed by OPA by the allegations made by a distraught citizen. One week later, after being notified, [Complainant] felt compelled to file this OPA-0125 complaint against me.

I have nothing further to add to this matter.

OPA replied to confirm that NE#1 refused an interview. NE#1 has yet to respond.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged NE#1 violated the law by assaulting him.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2. A “person is guilty of assault in the fourth degree if...he or she assaults another.” RCW 9A.36.041(1). “Assault in the fourth degree is a gross misdemeanor.” RCW 9A.36.041(2).

Here, the evidence shows NE#1 more likely than not assaulted the Complainant between late November 30th and early December 1, 2015. Specifically, the Complainant said during an argument, NE#1 hit him four times: twice on the jaw, once on the nose, and once on the eye. The Complainant heard a “pop” and felt pain after the nose strike. The Complainant also said, and photos corroborated, he suffered a bruised and swollen eye. The Complainant filed an PD #1 report and provided photos and a statement documenting the incident and injuries. Finally, the Complainant provided phone call recordings of him and NE#1, where NE#1 repeatedly admitted to the assault. Moreover, the evidence suggests NE#1 physically abused him multiple times, where the Complainant said as much, and on Audio #1, NE#1 indicated it was at least the third black eye she gave him.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

It was alleged NE#1’s conduct was unprofessional.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

NE#1 hit the Complainant with sufficient force to cause visible injuries and conspired coverup stories. Although NE#1 was off duty when she assaulted the Complainant, her conduct violated the Department’s professionalism policy. Criminal behavior, particularly domestic violence, falls short of Department standards.



Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**